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April 12, 2016

***Submitted Electronically to Comment Log***

Clerk of the Board  
Air Resources Board  
1001 "I" Street  
Sacramento, CA 95814

Dear Chairwoman Nichols and Members of the Board,

**RE: Comments Regarding the Aftermarket Diesel Particulate Filter Regulation**

Thank you for the opportunity to provide comments on the proposed rule for Aftermarket Diesel Particulate Filters. DCL believes it is a strong rule that will ensure that aftermarket DPFs introduced into California will effectively control the emissions from heavy duty diesel vehicles, operate safely, and function in a manner equivalent to the OEM part. The rule will provide strong consumer protection, while at the same time lowering the cost of DPFs for the vehicle owners of California. DCL encourages the Board to extend the provisions in the rule related to record keeping, consumer protection, and installer training to all DPFs in California, including replacement parts from the OEM. Given that the rule addresses only the model year 2007-2009 heavy duty diesels, and that owners increasingly face limited choices for replacement parts for these aging vehicles, DCL encourages the Board to approve the rule without delay and to direct staff to begin accepting applications for certification.

The DCL Group has been operating for over 30 years and is a leading manufacturer of catalyst and DPF systems for internal combustion engines, with operations in Germany, Canada and the United States. DCL has participated in numerous ARB programs and holds several ARB Verifications for DPF Systems. Our affiliated company, Roadwarrior Inc., specializes in the manufacture of aftermarket DPFs for heavy duty vehicles, with sales in the 49 States and Canada. Therefore, we feel that we speak as experts in the area of aftermarket DPFs.

It is our assessment that the technical requirements of the certification, including accelerated aging, in-use trials, and emission testing at different stages, will

ensure that the aftermarket part is functionally equivalent to the OEM part, and we commend ARB staff for their hard work and collaboration with industry in the development of the standards. We encourage the Board to ensure that enough staff resources are available for the review of the certification applications, as the amount of data required in submissions is very extensive and will be time consuming for review.

The proposed regulation has been compared by some to ARB's controversial Truck and Bus Regulation and the use of Verified Diesel Emission Control Systems (VDECS). We believe such a comparison is false. The VDECS program was intended to retrofit vehicles that were never designed by the OEM to operate with DPFs. As such, the VDECS rule involved addressing a number of complex challenges in safety, design, installation and operation, and required strong warranty protection for vehicle owners to ensure no negative impact on their vehicles.

By contrast, the proposed rule is intended for vehicles that are already designed and equipped with a DPF by the OEM, and it merely addresses the issue of how to swap the DPF core with a like-for-like component. The durability of the DPF core is less than that of the engine, and therefore the swapping of the DPF core was intended by the OEM to be a simple task that could be conducted in less than thirty minutes by a technician, with little technical and safety risk. We consider the closest analogy of the proposed rule is the regulations for aftermarket catalytic converters, not the VDECS regulation.

We believe that the requirement for an assessment of the vehicle prior to installation of the aftermarket DPF, including checks on engine maintenance, fault codes, etc., is a positive step. Maintenance problems with the engine are often the root cause for a failure of the DPF. It is important to note that such pre-assessments are not currently required when installing an OEM replacement part. DCL encourages the Board to address this serious loophole and to extend the requirement for vehicle pre-assessment to OEM replacement parts.

We recommend that greater consideration be given to streamlining or eliminating a number of unnecessary administrative burdens that the rule places on the installer and manufacturer. For example, the installer must fill out details on the vehicles, such as end user information, make, model, model year, engine serial number, VIN, engine family name, horsepower, engine configuration, etc. Much of this information is overlapping. Additionally, the rule explicitly requires that warranty cards must be "filled out in triplicate" and one copy returned with "pre-paid postage." Experience with traditional mail-in warranty cards for the aftermarket catalytic converter program shows they are completed less than 20% of the time. DCL recommends that the rule be modified to allow administrative tasks for record keeping, training, and warranty to be maintained in an on-line database, and to allow the manufacturer the flexibility to eliminate the need for retaining information where there is overlap.

While a manufacturer can use its best efforts to maintain records, given the amount of information collection required by the rule, and the length of time (eight years) for retaining records, it is expected that significant errors and omissions in records will occur. Vehicle ownership may change several times, and it is not realistic to expect that accurate records of ownership will be maintained over such a long time. Yet the rule imposes a strict penalty of rescinding the Executive Order (EO) for the manufacturer due to missing or inadequate records, and potential fines. ARB should eliminate penalties for manufacturers and installers that make good faith efforts. ARB should be mindful that the large and unnecessary amount of information reporting by installers will make it less likely that forms are diligently filled out.

It has been characterized by some that aftermarket parts are unproven, have not followed the same certification standards as the OEM part and therefore need to be held to a higher standard than the OEM part. It should be noted that aftermarket DPFs have been in service in 49 States for over five years without reports of emissions or safety issues. Nevertheless, in many aspects the proposed rule places requirements on aftermarket parts for warranty, installation, reporting and component swapping that are not applied to OEM replacement parts. This creates an unlevel playing field in the marketplace. While DCL does not object to strict requirements, we encourage the Board to harmonize the rules for all DPFs, both OEM replacement parts and aftermarket parts.

DCL supports the rule's ban of remanufactured (i.e., used) DPFs from being sold in California. Such parts are currently sold and installed in without restriction, and we believe these practices are not in the interest of California's air quality goals. DCL recommends that the Board give further consideration to how such a ban will be enforced, and how to eliminate the practice of purchasing used DPFs out of state and bringing them in for installation.

As the proposed rule is limited in scope and addresses only vehicles on the road for seven or more years (i.e., model year 2007-2009 heavy duty vehicles), the current absence of any rule for aftermarket diesel emission components is a concern to DCL. Given the age of the vehicles, owners are faced with increasingly short supply or new replacement parts, extra downtime, and limited support from the OEM. Therefore DCL believes that aftermarket DPF parts are important both for maintaining low emissions and reducing cost of ownership. DCL encourages the Board to approve the proposal without delay and to direct staff to begin immediately with processing applications for certification.

While this rule is an important first step in aftermarket parts for heavy duty diesel vehicles, there is further work to be done. There is need for aftermarket parts for other critical emission control components in heavy duty diesel trucks, including Diesel Oxidation Catalysts (DOCs), Selective Catalytic Reduction (SCR) catalysts, and coverage for vehicles of model year 2010 and later. We recommend as a next step that staff begin the development of rules to cover these categories of aftermarket parts.



In summary, we believe the technical requirements will ensure the aftermarket part to be functionally equivalent to the OEM part. There is an important need for the rule, as it will ensure that the aging fleet of model year 2007-2009 heavy duty diesel vehicles continue to have options available for high quality, new DPF cores. DCL strongly supports the rule and urges the Board to adopt the rule without delay, and to direct ARB staff to begin accepting applications for certification.

Thank you for the opportunity to submit our comments to the proposed rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Aleixo".

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